

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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GUSTAVO MONTEROSA,

Plaintiff,

20 **CIVIL** 2653 (MKV)

-against-

JUDGMENT

THOMAS DECKER, et al.,

Defendants.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated April 11, 2020, Petitioner has failed to exhaust administrative remedies following the denial of bond. Courts agree that such exhaustion is required unless one of several narrow exceptions is met. As set forth herein, Petitioner has failed to demonstrate any such exception. Without in any way minimizing the seriousness of the constitutional arguments Petitioner hopes to make, those arguments may be mooted by fact-based decisions at the BIA where Petitioner's appeal is already pending. Accordingly, the Petition for a writ of habeas corpus is **DENIED** and the case is **DISMISSED**, and this case is closed.

DATED: New York, New York
April 13, 2020

RUBY J. KRAJICK

Clerk of Court

BY:

David J. Thomas
Deputy Clerk